

**Introduced by Senator Bowen**  
(Principal coauthor: Assembly Member Oropeza)

February 22, 2005

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An act to amend Sections 2150, 2155, 2157, 2160, 2188, 2194, and 2202 of, and to add Sections 2157.1, 2157.2, and 2188.1 to, the Elections Code, relating to voter information.

LEGISLATIVE COUNSEL'S DIGEST

SB 1016, as introduced, Bowen. Voter information: privacy.

Existing law sets forth the requirements for the information to be provided on the affidavit of registration, including that the affidavit of registration include the affiant's California driver's license number, California identification card number, or any other identification number specified by the Secretary of State.

This bill would additionally authorize the use of the last 4 digits of the affiant's social security number on the affidavit of registration, and would require that the affiant be advised on the affidavit that only one type of identification number need be provided, as specified. The bill would require the affidavit of registration to contain a specified statement about confidentiality of the personal information of certain voters, a statement that commercial use of voter registration information is a misdemeanor, and a toll-free hotline telephone number that the public may use to report suspected fraudulent activity concerning the misuse of voter registration information.

Existing law sets forth the requirements for the voter notification form.

This bill would additionally require a voter notification form to contain a specified statement about the confidentiality of the personal information of certain voters. The bill would additionally authorize the Secretary of State to exhaust the existing supply of voter notification

forms prior to printing new or revised forms that contain the confidentiality statement.

Existing law requires any person who registers to vote to complete an affidavit of registration. The information contained in this affidavit of registration is generally confidential, except that it may be provided to any candidate for federal, state, or local office, to any committee for or against any initiative or referendum measure, or to any person for election, scholarly, journalistic, or governmental purposes.

This bill would inform voters about the permissible uses of the personal information supplied by them for the purpose of completing a voter registration affidavit, by requiring local elections officials to post on any local elections official Web site relating to voter information, and requiring the Secretary of State to print in the state ballot pamphlet and post on his or her Web site, information on possible uses of voter information, as specified. By requiring a local elections official to post the uses of voter information on any local elections official Web site, this bill imposes a state-mandated local program.

Existing law sets forth the requirements and procedures for handling the voter registration card.

This bill would additionally require the voter registration card to contain a specified statement about confidentiality of the personal information of certain voters. The bill would additionally authorize the Secretary of State to exhaust the existing supply of voter registration cards prior to printing new or revised forms that contain the confidentiality statement. The bill would require the voter registration card to be confidential and not used for any personal, private, or commercial purpose, as specified.

Existing law sets forth the requirement for an application for voter registration information, including a statement of the intended use of the information requested.

This bill would additionally require the intended use statement to identify the specific educational institution or project, specific candidate or ballot measure committee, or the specific journalistic publication that the information is requested for, or the specific election or governmental purpose for which the information is requested.

This bill would require the Secretary of State to study the feasibility of inserting fictitious names of voters into the voter registration information database as a possible investigative and enforcement tool

for determining inappropriate or unauthorized use of voter registration information.

Existing law establishes the procedures for preserving the uncanceled affidavits of registration, including the use of electronic media.

This bill would require that uncanceled affidavits of registration be preserved in a secure manner that will protect the confidentiality of the voter information.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 2150 of the Elections Code is amended  
2 to read:  
3 2150. (a) The affidavit of registration shall show:  
4 (1) The facts necessary to establish the affiant as an elector.  
5 (2) The affiant's name at length, including his or her given  
6 name, and a middle name or initial, or if the initial of the given  
7 name is customarily used, then the initial and middle name. The  
8 affiant's given name may be preceded, at affiant's option, by the  
9 designation of Miss, Ms., Mrs., or Mr. ~~No~~ A person shall *not* be  
10 denied the right to register because of his or her failure to mark a  
11 prefix to the given name and shall be so advised on the voter  
12 registration card. This subdivision shall not be construed as  
13 requiring the printing of prefixes on an affidavit of registration.  
14 (3) The affiant's place of residence, residence telephone  
15 number, if furnished, and e-mail address, if furnished. No person  
16 shall be denied the right to register because of his or her failure to  
17 furnish a telephone number or e-mail address, and shall be so  
18 advised on the voter registration card.

1 (4) The affiant's mailing address, if different from the place of  
2 residence.

3 (5) The affiant's date of birth to establish that he or she will be  
4 at least 18 years of age on or before the date of the next election.

5 (6) The state or country of the affiant's birth.

6 (7) The affiant's California driver's license number, California  
7 identification card number, *the last four digits of the affiant's*  
8 *social security number*, or other identification number as  
9 specified by the Secretary of State. ~~No In the instruction section~~  
10 ~~of the affidavit, the affiant shall be advised, in a type size and~~  
11 ~~color of ink that is clearly distinguishable from surrounding text,~~  
12 ~~that he or she need only provide one of these numbers, except as~~  
13 ~~otherwise required by federal law, and that no person shall be~~  
14 ~~denied the right to register because of his or her failure to furnish~~  
15 ~~one of these numbers, and shall be so advised on the voter~~  
16 ~~registration card.~~

17 (8) The affiant's political party affiliation.

18 (9) That the affiant is currently not imprisoned or on parole for  
19 the conviction of a felony.

20 (10) A prior registration portion indicating whether the affiant  
21 has been registered at another address, under another name, or as  
22 intending to affiliate with another party. If the affiant has been so  
23 registered, he or she shall give an additional statement giving that  
24 address, name, or party.

25 (b) The affiant shall certify the content of the affidavit as to its  
26 truth and correctness, under penalty of perjury, with the signature  
27 of his or her name and the date of signing. If the affiant is unable  
28 to write he or she shall sign with a mark or cross.

29 (c) The affidavit of registration shall also contain a space that  
30 would enable the affiant to state his or her ethnicity or race, or  
31 both. An affiant may not be denied the ability to register because  
32 he or she declines to state his or her ethnicity or race.

33 (d) If any person, including a deputy registrar, assists the  
34 affiant in completing the affidavit, that person shall sign and date  
35 the affidavit below the signature of the affiant.

36 SEC. 2. Section 2155 of the Elections Code is amended to  
37 read:

38 2155. (a) Upon receipt of a properly executed affidavit of  
39 registration or address correction notice or letter pursuant to  
40 Section 2119, Article 2 (commencing with Section 2220), or the

1 National Voter Registration Act of 1993 (42 U.S.C. Sec.  
2 1973gg), the county elections official shall send the voter a voter  
3 notification by nonforwardable, first-class mail, address  
4 correction requested. The voter notification shall state the party  
5 affiliation for which the voter has registered in the following  
6 format:

7 Party: (Name of political party)

8 The voter notification shall be substantially in the following  
9 form:

10  
11 VOTER NOTIFICATION  
12

13 You are registered to vote. The party affiliation for which you  
14 have registered is shown on the reverse of this card. This card is  
15 being sent as a notification of:

16 1. Your recently completed affidavit of registration,

17  
18 OR,  
19

20 2. A correction to your registration because of an official  
21 notice that you have moved. If your residence address has not  
22 changed or if your move is temporary, please call or write the  
23 county elections official immediately.  
24

25  
26  
27 You may vote in any election held 15 or more days after the  
28 date shown on the reverse side of this card.

29 Your name will appear on the index kept at the polls.

30 Please contact your county elections office if the information  
31 shown on the reverse side of this card is incorrect.  
32

33  
34 \_\_\_\_\_  
35 (Signature of Voter)

36 *(b) The voter notification form shall also include a statement*  
37 *identical or substantially similar to the following:*

38 *“Certain voters, including stalking or domestic violence*  
39 *victims, reproductive health care workers, or others who face*  
40 *life-threatening situations, may request that their voter*

1 *information remain confidential and not be released for the*  
2 *purposes described above. For more information on these*  
3 *programs, please contact your local elections official or the*  
4 *Secretary of State' Safe at Home program at 1-877-322-5227, or*  
5 *visit the Web site at [www.ss.ca.gov/safeathome/](http://www.ss.ca.gov/safeathome/).*"

6 *(c) The Secretary of State may continue to supply existing*  
7 *affidavits of registration prior to printing new or revised forms*  
8 *that reflect the changes required pursuant to subdivisions (b).*

9 SEC. 3. Section 2157 of the Elections Code is amended to  
10 read:

11 2157. (a) Subject to this chapter, the affidavit of registration  
12 shall be in a form prescribed by regulations adopted by the  
13 Secretary of State. The affidavit shall:

14 (1) Contain the information prescribed in Section 2150.

15 (2) Be sufficiently uniform among the separate counties to  
16 allow for the processing and use by one county of an affidavit  
17 completed in another county.

18 (3) Allow for the inclusion of informational language to meet  
19 the specific needs of that county, including, but not limited to,  
20 the return address of the elections official in that county, and a  
21 telephone number at which a voter can obtain elections  
22 information in that county.

23 (4) Be included on one portion of a multipart card, to be  
24 known as a voter registration card, the other portions of which  
25 shall include information sufficient to facilitate completion and  
26 mailing of the affidavit. The affidavit portion of the multipart  
27 card shall be numbered according to regulations adopted by the  
28 Secretary of State. For purposes of facilitating the distribution of  
29 voter registration cards as provided in Section 2158, there shall  
30 be attached to the affidavit portion a receipt. The receipt shall be  
31 separated from the body of the affidavit by a perforated line.

32 (5) *Contain in a type size and color of ink that is clearly*  
33 *distinguishable from surrounding text, a statement identical or*  
34 *substantially similar to the following:*

35 *"Certain voters, including stalking or domestic violence*  
36 *victims, reproductive health care workers, or others who face*  
37 *life-threatening situations, may request that their voter*  
38 *information remain confidential and not be released for the*  
39 *purposes described above. For more information on these*  
40 *programs, please contact your local elections official or the*

1 *Secretary of State' Safe at Home program at 1-877-322-5227, or*  
2 *visit the Web site at [www.ss.ca.gov/safeathome/](http://www.ss.ca.gov/safeathome/).*"

3 *(6) Contain in a type size and color of ink that is clearly*  
4 *distinguishable from surrounding text, a statement that the use of*  
5 *voter registration information for commercial purposes is a*  
6 *misdemeanor, and any suspected misuse shall be reported to the*  
7 *Secretary of State.*

8 *(7) Contain a toll-free fraud hotline telephone number*  
9 *maintained by the Secretary of State that the public may use to*  
10 *report suspected fraudulent activity concerning misuse of voter*  
11 *registration information.*

12 *(8) Be returnable to the county elections official as a*  
13 *self-enclosed mailer with postage prepaid by the Secretary of*  
14 *State.*

15 (b) Nothing contained in this division shall prevent the use of  
16 voter registration cards and affidavits of registration in existence  
17 on the effective date of this section and produced pursuant to  
18 regulations of the Secretary of State, and all references to voter  
19 registration cards and affidavits in this division shall be applied  
20 to the existing voter registration cards and affidavits of  
21 registration.

22 ~~(e) This section shall become operative on January 1, 2005.~~

23 *(c) The Secretary of State may continue to supply existing*  
24 *affidavits of registration prior to printing new or revised forms*  
25 *that reflect the changes required pursuant to this section, Section*  
26 *2150, or Section 2160.*

27 SEC. 4. Section 2157.1 is added to the Elections Code, to  
28 read:

29 2157.1. It is the intent of the Legislature that a voter be fully  
30 informed of the permissible uses of personal information  
31 supplied by him or her for the purpose of completing a voter  
32 registration affidavit.

33 SEC. 5. Section 2157.2 is added to the Elections Code, to  
34 read:

35 2157.2. In order that a voter be fully informed of the  
36 permissible uses of personal information supplied by him or her  
37 for the purpose of completing a voter registration affidavit, local  
38 elections officials shall post on any local elections official Web  
39 site relating to voter information, and the Secretary of State shall

1 print in the state ballot pamphlet and post on his or her Web site,  
2 all of the following:

3 “Information on your voter registration affidavit will be used by  
4 elections officials to send you official information on the voting  
5 process, such as the location of your polling place and the issues  
6 and candidates that will appear on the ballot. Commercial use of  
7 voter registration information is prohibited by law and is a  
8 misdemeanor. Voter information may be provided to a candidate  
9 for office, a ballot measure committee, or other person for  
10 election, scholarly, journalistic, political or governmental  
11 purposes, as determined by the Secretary of State. Driver’s  
12 license and Social Security numbers cannot be released for these  
13 purposes. If you have any questions about the use of voter  
14 information or wish to report suspected misuse of such  
15 information, please call the Secretary of State’s Voter Protection  
16 and Assistance Hotline at 1-800-345-8683.

17 Certain voters, including stalking or domestic violence victims,  
18 reproductive health care workers, or others who face  
19 life-threatening situations, may request that their voter  
20 information remain confidential and not be released for the  
21 purposes described above. For more information on these  
22 programs, please contact your local elections official or call the  
23 Secretary of State’s Voter Information Hotline at  
24 1-800-345-VOTE (8683). Information on the Secretary of State’s  
25 Safe at Home Program is available by calling 1-877-322-5227 or  
26 visiting the program’s Web site at [www.ss.ca.gov/safeathome/](http://www.ss.ca.gov/safeathome/).”

27  
28 SEC. 6. Section 2160 of the Elections Code is amended to  
29 read:

30 2160. (a) Each affidavit of registration issued to a deputy  
31 registrar of voters shall meet the requirements prescribed by  
32 Section 2157, except that the voter registration card shall be  
33 modified, pursuant to regulations adopted by the Secretary of  
34 State, to reflect the use of a deputy registrar of voters in lieu of  
35 mail delivery. A stub, separated from the body of the voter  
36 registration card by a perforated line, shall be attached to each  
37 affidavit. Upon the stub shall be printed the *following*:

38 (1) *The number of the affidavit and blanks.*

39 (2) *Blank lines for the following information:*

40 ~~(a)~~



1 (A) The name, of the voter.

2 (B) The residence, of the voter.

3 (C) The political affiliation, and of the voter.

4 (D) The signature of the voter.

5 ~~(b)~~

6 (E) The signature of the deputy taking the registration.

7 ~~(e)~~

8 (F) The date.

9 (3) A statement identical or substantially similar to the  
10 following:

11 “Certain voters, including stalking or domestic violence  
12 victims, reproductive health care workers, or others who face  
13 life-threatening situations, may request that their voter  
14 information remain confidential and not be released for the  
15 purposes described above. For more information on these  
16 programs, please contact your local elections official or the  
17 Secretary of State’s Safe at Home program at 1-877-322-5227, or  
18 visit the Web site at [www.ss.ca.gov/safeathome/](http://www.ss.ca.gov/safeathome/). ”

19 At the time of registering the voter, the deputy shall fill in the  
20 blanks in the stub, and require the voter to sign the stub in the  
21 place provided. The deputy shall then detach the stub and the  
22 informational portion of the voter registration form from the  
23 affidavit and hand the stub and information to the voter.

24 (b) The Secretary of State may continue to supply existing  
25 affidavits of registration prior to printing new or revised forms  
26 that reflect the changes required pursuant to this section, Section  
27 2150, or Section 2157.

28 SEC. 7. Section 2188 of the Elections Code is amended to  
29 read:

30 2188. (a) Any application for voter registration information  
31 available pursuant to law and maintained by the Secretary of  
32 State or by the elections official of any county shall be made  
33 pursuant to this section.

34 (b) The application shall set forth all of the following:

35 (1) The printed or typed name of the applicant in full.

36 (2) The complete residence address and complete business  
37 address of the applicant, giving street and number. If no street or  
38 number exists, a postal mailing address as well as an adequate  
39 designation sufficient to readily ascertain the location.

40 (3) The telephone number of the applicant, if one exists.

1 (4) The number of the applicant's driver's license, state  
2 identification card, or other identification approved by the  
3 Secretary of State if the applicant does not have a driver's license  
4 or state identification card.

5 (5) The specific information requested.

6 (6) A statement of the intended use of the information  
7 requested. *The statement of intended use must identify the*  
8 *specific educational institution or project, specific candidate or*  
9 *ballot measure committee, or specific journalistic publication if*  
10 *the information is requested for a scholarly, political, or*  
11 *journalistic purpose. If the information is requested for an*  
12 *election or governmental purpose, the specific election or*  
13 *governmental purpose must be identified in the request.*

14 (c) If the application is on behalf of a person other than the  
15 applicant, the applicant shall, in addition to the information  
16 required by subdivision (b), set forth all of the following:

17 (1) The name of the person, organization, company,  
18 committee, association, or group requesting the voter registration  
19 information, including their complete mailing address and  
20 telephone number.

21 (2) The name of the person authorizing or requesting the  
22 applicant to obtain the voter registration information.

23 (d) The elections official shall request the applicant to display  
24 his or her identification for purposes of verifying that identifying  
25 numbers of the identification document match those written by  
26 the applicant on the application form.

27 (e) The applicant shall certify to the truth and correctness of  
28 the content of the application, under penalty of perjury, with the  
29 signature of his or her name at length, including given name,  
30 middle name or initial, or initial and middle name. The applicant  
31 shall state the date and place of execution of the declaration.

32 (f) Completed applications for voter registration information  
33 shall be retained by the elections official for five years from the  
34 date of application.

35 (g) This section shall not apply to requests for information by  
36 elections officials for election purposes or by other public  
37 agencies for governmental purposes.

38 (h) The Secretary of State may prescribe additional  
39 information to be included in the application for voter  
40 registration information.

SEC. 8. Section 2188.1 is added to the Elections Code, to read:

2188.1. The Secretary of State shall study the feasibility of inserting fictitious names of voters into the voter registration information database as a possible investigative and enforcement tool for determining inappropriate or unauthorized uses of voter registration information.

SEC. 9. Section 2194 of the Elections Code is amended to read:

2194. (a) The voter registration card information identified in subdivision (a) of Section 6254.4 of the Government Code:

(1) Shall be confidential and shall not appear on any computer terminal, list, affidavit, duplicate affidavit, or other medium routinely available to the public at the county elections official's office.

(2) *Shall not be used for any personal, private, or commercial purpose including, but not limited to:*

(A) *The harassment of any voter or voter's household.*

(B) *The advertising, solicitation, sale or marketing of products or services to any voter or voter's household.*

(C) *Reproduction in print, broadcast visual or audio, or display on the Internet or any computer terminal unless pursuant to paragraph (3) of subdivision (a).*

(3) Shall be provided with respect to any voter, subject to the provisions of Section 2188, to any candidate for federal, state, or local office, to any committee for or against any initiative or referendum measure for which legal publication is made, and to any person for election, scholarly, journalistic, or political purposes, or for governmental purposes, as determined by the Secretary of State.

(b) Notwithstanding any other provision of law, the California driver's license number, the California identification card number, the social security number, and any other unique identifier used by the State of California for purposes of voter identification shown on a voter registration card of a registered voter, or added to voter registration records to comply with the requirements of the Help America Vote Act of 2002—~~(P.L. 107-252)~~ (42 U.S.C. Sec. 15301 et seq.), are confidential and shall not be disclosed to any person.

1 (c) The home address of any voter shall be released whenever  
2 the person's vote is challenged pursuant to Sections 15105 to  
3 15108, inclusive, or 14240 to 14253, inclusive. The address shall  
4 be released only to the challenger, to elections officials, and to  
5 other persons as necessary to make, defend against, or adjudicate  
6 the challenge.

7 (d) A governmental entity, or officer or employee thereof, may  
8 not be held civilly liable as a result of disclosure of the  
9 information referred to in this section, unless by a showing of  
10 gross negligence or willfulness.

11 (e) *For the purposes of this section, "voter's household" is*  
12 *defined as the voter's place of residence or mailing address or*  
13 *any persons who reside at the place of residence or use the*  
14 *mailing address supplied on the affidavit of registration as*  
15 *supplied on the affidavit of registration pursuant to paragraphs*  
16 *(3) and (4) of subdivision (a) of Section 2150.*

17 SEC. 10. Section 2202 of the Elections Code is amended to  
18 read:

19 2202. (a) The county elections official shall preserve all  
20 uncanceled affidavits of registration *in a secure manner that will*  
21 *protect the confidentiality of the voter information consistent*  
22 *with Section 2194.*

23 The affidavits of registration shall constitute the register  
24 required to be kept by Article 5 (commencing with Section 2180)  
25 of Chapter 2.

26 (b) In lieu of maintaining uncanceled affidavits of registration,  
27 the county elections official may, following the first general  
28 election after the date of registration, microfilm, record on optical  
29 disc, or record on any other electronic medium that does not  
30 permit additions, deletions, or changes to the original document,  
31 the uncanceled affidavits of registration. *Any such use of an*  
32 *electronic medium to record uncanceled affidavits shall protect*  
33 *the security and confidentiality of the voter information.* The  
34 county elections official may dispose of any uncanceled  
35 affidavits of registration transferred pursuant to this section. *The*  
36 *disposal of any uncanceled affidavits shall be performed in a*  
37 *manner that does not compromise the security or confidentiality*  
38 *of the voter information contained therein.* Any medium utilized  
39 by the county elections official shall meet the minimum  
40 standards, guidelines, or both, as recommended by the American

1 National Standards Institute, or the Association of Information  
2 and Image Management. For purposes of this section, a duplicate  
3 copy of an affidavit of registration shall be deemed an original.

4 SEC. 11. If the Commission on State Mandates determines  
5 that this act contains costs mandated by the state, reimbursement  
6 to local agencies and school districts for those costs shall be  
7 made pursuant to Part 7 (commencing with Section 17500) of  
8 Division 4 of Title 2 of the Government Code.

O